

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 127801

43

ORIGIN L-03

INFO OCT-01 COME-00 EB-11 TRSE-00 IO-14 ISO-00 OMB-01

TAR-02 SP-03 SWF-02 AGR-20 AID-20 CIAE-00 INR-10

LAB-06 NSAE-00 OIC-04 RSC-01 SIL-01 STR-08 CIEP-02

CEA-02 SSO-00 INRE-00 ARA-16 /127 R

66605

DRAFTED BY: L:MBFELDMAN

APPROVED BY: EB:O'MAHONY

L:MISS WILLIS

COMMERCE: MR. MACONE (SUBS)

EB/IFD/IOA:MR. KENNEDY

ARA:AMB. BOWDLER

TREASURY: MR. BRADFIELD

IO/CMD:MR. HINES

----- 077394

O 142306Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO IMMEDIATE

USMISSION USUN NEW YORK

USMISSION GENEVA

LIMITED OFFICIAL USE STATE 127801

E.O. 11652: N/A

TAGS: EGEN, UNCTAD

SUBJ: UNCTAD CHARTER OF ECONOMIC RIGHTS AND DUTIES OF
STATES

REFS: (A) MEXICO 4884; (B) MEXICO 4936

1. CONGRATULATIONS ON NEGOTIATION SATISFACTORY TEXT ON
PARAGRAPH 5 AND PREAMBULAR PARAGRAPH IV.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 127801

2. YOU'RE AUTHORIZED TO TABLE FOLLOWING TEXT FOR PARAGRAPH 11 ON MULTINATIONAL CORPORATIONS. "EVERY STATE HAS THE RIGHT TO REGULATE AND SUPERVISE THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS WITHIN ITS NATIONAL JURISDICTION BY TAKING MEASURES TO INSURE THAT SUCH CORPORATIONS COMPLY WITH ITS LAWS, RULES AND REGULATIONS. IN EXERCISING THAT RIGHT, EVERY STATE SHALL TREAT TRANSNATIONAL CORPORATIONS EQUITABLY AND IN ACCORDANCE WITH THE RULE OF LAW, AVOIDING ARBITRARY AND DISCRIMINATORY ACTIONS, AND IN ACCORDANCE WITH APPLICABLE INTERNATIONAL OBLIGATIONS." WE INSERT ACTIVITIES WITHIN NATIONAL JURISDICTION TO AVOID ANY IMPLICATION OF EXTRATERRITORIAL REGULATION AND DELETE "EQUALLY" TO AVOID IMPLICATIONS CONCERNING DIFFERENTIATION OF TRANSNATIONALS FROM OTHER INVESTMENT. WE HAVE NO SUBSTANTIVE OBJECTION TO LAST TWO SENTENCES OF YOUR PROPOSED TEXT (PARAGRAPH 12 REF B) BUT QUESTION ADVANTAGE OF INTRODUCING MATTERS WHICH HAVE NOT BEEN PROPOSED BY OTHER DELEGATIONS. RATHER, YOU MIGHT WISH TO UTILIZE MODIFICATION OF TEXT AUTHORIZED LAST FEBRUARY ON FOLLOWING LINES: "INTERESTED GOVERNMENTS SHALL COOPERATE IN GOOD FAITH TO RESOLVE CONFLICTS OF JURISDICTION IN THE APPLICATION OF THEIR LAWS TO TRANSNATIONAL CORPORATIONS WITH DUE REGARD TO INTERNATIONAL NORMS AND THE INTERESTS OF EACH COUNTRY."

3. AUTHORITY REQUESTED PARA. 10 REF B RE PERMANENT SOVEREIGNTY GRANTED EXCEPT THAT WE WOULD NOT ACCEPT SUBPARA (B) OF ALTERNATIVE B (AND ACCEPTED) AND WOULD PREFER SUBPARA (C) TO SUBPARA (A). ALTHOUGH WE STRONGLY PREFER "JUST" WE CAN ACCEPT "APPROPRIATE" AS LONG AS IT IS COUPLED WITH REFERENCE TO INTERNATIONAL LAW, OBLIGATIONS OR NORMS. AS YOU KNOW, HOWEVER, WE FAVOR ICSID FORMULA "SUCH RULES OF INTERNATIONAL LAW AS MAY BE APPLICABLE" AND WOULD CONSIDER "GENERAL PRINCIPLES OF LAW RECOGNIZED BY STATES." WE ALSO QUESTION NECESSITY TO INCLUDE IN ALTERNATIVE 2 "TRANSFER OF OWNERSHIP TO ITS NATIONALS" WHICH WE BELIEVE TO BE A NEW DEPARTURE IN RESOLUTIONS ON PERMANENT SOVEREIGNTY. SISCO

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, COMMITTEE MEETINGS, FOREIGN INVESTMENTS, BUSINESS FIRMS, FOREIGN INVESTMENT CONTROLS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 14 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE127801
Document Source: CORE
Document Unique ID: 00
Drafter: L:MBFELDMAN
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740159-1123
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740642/aaaabkhf.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) MEXICO 4884; (B) MEXICO 4936
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by kelleyw0>; APPROVED <21 FEB 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNCTAD CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES
TAGS: EGEN, US, UNCTAD
To: MEXICO GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005